House of Commons Debates

FIFTH SESSION—SEVENTH PARLIAMENT

SPEECH

OF

DALTON McCARTHY, M.P.

ON THE

MANITOBA SCHOOL QUESTION

OTTAWA, TUESDAY, 16TH JULY, 1895.

Mr. McCARTHY. Although we have been discussing the Manitoba school question more or less for the last six or seven days, yet, Mr. Speaker, I do not think we have had any opportunity of considering the question upon its merits. And as, according to the programme of the Government, we will be called upon at an early day—not later, at all events, than January—to receive from their hands a Bill for the carrying out of the remedial order, I think we ought not to separate without affording a full opportunity of having the question discussed and decided as to whether, when that Bill is presented, we will be prepared in this House to enforce that remedial order which the legislature of Manitoba has declined to obey. I propose to draw attention, not merely to the present policy of the Government, but to its policy in connection with this matter from the first. I go back to 1891 when the Government were first called upon, by a petition presented to them, to veto the legislation of the province; and I have always thought, as I now again repeat, that the one justifiable proceeding of the Government from first to last was the refusal which they then gave to veto the School Bill. It was impossible—regard being had to the history of the school question in Canada, regard being had to the many discussions and debates with reference to the New Brunswick school law, regard being had to the discussion also that took place, if not in this House, at all events, between the Department of Justice and the province of Prince Edward Island—for the Government to veto the law, for it has come to be accepted as the unwritten law that this Government will not interfere, by exercising the power of veto, with any law relating to education which may be passed by any province. I am, therefore, glad to know that in 1891, before the last election, despite the pressure, no doubt, of a very urgent character, which was brought to bear upon the Administration of that day, then led by the late Sir John Macdonald, the Government adhered to the policy which had been accepted by both political parties of this country and refused to interfere with the school law of the province. But, unfortunately, my commendation of the conduct of the Government must end there; for, from that time out, I venture to say that every step taken by them has been an unwise and impolitic step, until their course has, at last, landed us in the condition in which we found ourselves here last week—disintegration of the Government, disintegration of parties, perhaps, on both sides, at all events, of the party on this side; and the existence of a question of such magnitude and on such a subject that it is calculated to raise issues and feelings which

no other question, since confederation, has brought so prominently to the front. In that report of Council the suggestion was made that if the petitioners should ask for the veto of the Bill and the law turned out to be within the constitutional power of the province to pass, the Government here would entertain the question of redressing the grievances of the minority in that province under the clause of the Manitoba constitution. When, in 1892, it was found, after a long and tedious course of litigation, under the decision of the Judicial Committee of the Privy Council, that the law was constitutional, that it did not deprive the minority of any right they were entitled to under the statute, that it was within the power of the province to pass—then, naturally enough, those who had been promised in 1891 that their grievances should be redressed if the event happened, which did happen, were back again at the Council Chamber demanding that the promise made to them should be kept. And what did the Government do? In 1891 there was no hesitation about the power of this Government to pass the remedial order. But no sooner had they started on the course of considering this question of the infringement of the rights of the minority than they were suddenly seized with the consciousness that they might not have the power. Then, for the first time, did it occur to them that the promise which had been made in 1891 was a promise which was impossible of fulfilment. And the proceedings having been commenced with all due solemnity, a committee having been appointed, and a judicial inquiry, or so called judicial inquiry having been instituted—then, for the first time, the Government paused. Whether they paused for the purpose of making sure their jurisdiction was well founded, or whether they paused with the hope that the courts would say that they had no jurisdiction, I do not intend at this moment to offer an opinion. But, at all events, it gained delay. The questions were then referred to the court under the Act which had been passed at the preceding session upon the suggestion of Mr. Edward Blake for the purpose of informing the Governor General in Council whether or not His Excellency had power to entertain the appeal, as it was called, and to grant a remedial order, which was the measure of relief that the petitioners sought. The questions having gone from the Supreme Court to the judicial committee were, as we all know, ultimately determined by the judicial committee deciding in favour of the right of the petitioners to have their appeal entertained, and pronouncing that the Governor General in Council had the authority to deal with the matter and to grant the relief by the passage of a remedial order. Now, Sir, that is the first point upon which I desire to state, as emphatically as I possibly can, that I think the Government was wrong. I mean to say, Sir, that that question came before the Government as all other questions come before the Government, to be dealt with, I am not going to say, not in accord with justice, but according to justice and according to right and according to what was wise and prudent in the interest of the province and in the interest of the community as a whole. But I utterly deny, and I challenge any person to establish by any kind of reasoning or proof that in acting in that way His Excellency the Governor General and his advisers were a judicial body. The Government of this country has ceased to be a judicial body, or rather, the Government has never, since confederation, been a judicial body. Undoubtedly there was a time when our government, our kings, exercised judicial powers. But, since the abolition of the Star Chamber, that authority has been taken from the Government of England; and, so far as I know, the Government of Canada never possessed it. And, when we have a Supreme Court, it would be an extraordinary proceeding that the Supreme Court, deciding matters judicially, should be passed by, and the political body, the Government should be called upon to pronounce upon questions with judicial authority. Therefore, Sir, this question came before the Government just as would any other question. I do not mean to say that the Government were not at liberty, if they thought fit, to hear both sides. The Government have in many cases, adopted that course. But it does not follow that because the Government, in the exercise of the authority vested in it in any matter, thinks fit or proper to call the party opposing the claim to argue or state his reasons therefor, the Government is acting judicially. If the Government were acting not upon the responsibility of Ministers of the Crown but as judges, then the Government could not be held responsible for any conclusion they might honestly arrive at, no matter how erroneous it might be, any more than a judge upon the bench could be held responsible for the wrong conclusions he reaches—and we all know that our judges do frequently arrive at wrong conclusions. But, Sir, according to that view the Government would have to be perfectly free from all political considerations, they would have to act as our judges act—with a single eye to the judicial office and judicial duty which they had assumed. Now in this case we perfectly well know that that was not the character assumed. Why, Sir, the Minister of Public Works, a short time before the hearing of this appeal, publicly announced at a meeting that unless a remedial order was made, his duty would be to retire from the Government. Now, it is impossible to suppose a judge or any gentleman filling a judicial position, in anticipation of the argument of the case declaring that if the case was not decided in a particular way his duty would be plain and clear—to abandon his position.

Mr. FOSTER. Does the hon. gentleman know that that has been denied ?

Mr. McCARTHY. I have the proof here, and if it is denied, I will be most happy to submit it.

Sir CHARLES HIBBERT TUPPER. You say he stated that if the remedial order was not passed he would retire.

Mr. McCARTHY. I did not pretend to use the exact words of the hon. Minister, but I gave the substance of what he said ; and I think that the hon. Minister of Public Works, when I quote from his statement, will not say that my recollection of his language on that occasion is not substantially correct. The speech made by the hon. Minister at St. Hyacinthe reported in the Government organs of the 25th February, 1895, was as follows :—

Mr. Ouimet said he was one of those who demanded that justice should be given to the minority. They had taken an appeal to England at their own expense, and had been successful. The appeal of the minority had not only been maintained, but had been solemnly confirmed. The Privy Council had once for all decided that not only had the minority in Manitoba a right to schools of their own choice, but that nobody had a right to deprive the minority of their schools. The course now open to the minority was to demand the re-establishment of the separate schools which they formally enjoyed. Mr. Ouimet stated there was unanimity amongst the members of the Government on this question. A time had been fixed for the advocates of the minority to plead their cause, and to show what remedial legislation should be passed. The Cabinet would be called upon to act in accordance with the judgment of the Privy Council. As soon as the case was heard, a decision would be rendered, and Mr. Ouimet added that if that decision was not in accordance with the constitution, there would be but one thing for them to do, and that was to retire from the Government.

Now, Sir, I think that what I said was substantially true. If the hon. gentleman is quibbling, or desires to quibble, and wishes to state that the decision was not in accordance with the constitution, and did not mean that there should be a remedial order, I would be quite willing to accept the hon. gentleman's statement. But I do not think the hon. gentleman would stand up in this House and say that the constitution did not require of him and his colleagues that a remedial order should be made. So that I am right, I think, in the statement I made that this so-called judicial officer, in anticipation of the argument, announced at a political meeting that if the order was not made, that if the constitution, according to his interpretation of it—and that meant the passage of the order —was not obeyed, then he would retire from the Government, and that was the only course left for him to do. Now, Sir, it is plain that he thought there was a chance that this remedial order could not be enforced, and would be of no effect. No judge who had paid the expenses of an appeal to England—because that is one of the boasts that the hon. gentleman made—no judge who had made such a statement as that, could be permitted to sit upon a cause, and if he did sit there, the conclusion arrived at by him would not, of course, be worth the paper it was written on. It is only fair, however, to say that when I was pressing this point before the Council, the Prime Minister, and I think one of his colleagues, I am not quite certain but that it was the Minister of Justice, said that if I was dealing with the question of their responsibility, I need not press the matter further, because they admitted their full responsibility for the order which they proposed to make. Therefore, I think it will not be necessary to do more now than just state that, notwithstanding the language used in the statute, which uses the term "appeal," regard being had to the manner in which this so-called appeal was to be prosecuted, it must be treated and looked upon as an application, made like any other application, to the Governor General in Council, with regard to which the Governor General acts upon the advice of his responsible Ministry. And we find the proceedings in accordance with that. A report is made to His Excellency, which His Excellency adopts, and if my hon. friends will take the trouble to look at it they will find that this is the ordinary way in which the affairs of our Administration are carried on. The Governor General acts by Order in Council, and all the proceedings in this case were as usual, with the single exception that the gentlemen of the Privy Council chose to call themselves a judicial body, chose to treat the matter as if it was a legal trial ; but ultimately they adopted the procedure which is usual in all matters which come before the Council, and which ultimately have to receive the sanction of the Governor General. Now, Sir, the only importance at present to be attached to that is that an effort has been made, in my section of the country, at all events, to disclaim responsibility. I do not think it was so in the province of Quebec. There, glory was taken ; there, it was a matter of triumph ; there, the Government asked the public to remember that they had passed the remedial order at considerable risk, and that they were entitled to every credit for it. But, up West, the line taken has been different. We had an example of it here the other night from the whip of the party. I heard him make the same statement in the county of Haldimand. There he said that the Governor General had passed on to Manitoba the Order of Her Majesty the Queen, through the Privy Council ; the Government had no responsibility whatever. They represented to the people that the Government had to obey the law and constitution, and they had, consequently, passed on the order to Manitoba, and there was no responsibility. The Secretary of State

told us the other day that he, at all events —and I allude to it now because it was not in debate, but simply in a discussion that took place on the ministerial explanations —had made his views on that subject perfectly clear to his constituents; that he did not do as the leader of the Opposition had done, observe a judicious silence on the subject. Well, Sir, I am bound to say that I heard the Secretary of State, I am bound to say that I have read on more than one occasion his utterances on that subject, and I think I am also bound to add that you can understand his language in that sense. It is impossible to say, in fairness to the hon. gentleman, that his language does not mean that; but it is equally impossible to say that his language does not mean the reverse. There was no such statement made in Haldimand as was made in Verchères and in Antigonish, there was no clear and definite promise of remedial legislation. There was a statement of the law and constitution, and the people were told, as we heard here the other night, that neither was the Government nor the Secretary of State, nor anybody else, responsible for what had been done; that it was cruel to speak of the matter, cruel to hold him to any account; that his duty commenced and ended with passing the order on to the province of Manitoba. Sir, this trouble might have been saved, these difficulties, which are now causing a disruption, the end of which no man in this House is probably able to foresee, might all have been avoided by a little firmness in the beginning. I do not mean to say that there should not have been every effort to conciliate, that there should not have been communications with Manitoba, as there ought to be when complaint was made by any section of the community upon a question as to which this Government had authority and jurisdiction. But I do mean to say that if the Government had consulted Manitoba, had invited, as the Government afterwards did with reference to the North-west, a statement from Manitoba of the causes which led to the change of the school law, the matter ought to have ended at that time. Why, Sir, we have had here within recent years a complaint made by the same ecclesiastical authorities with reference to the administration of the school law in the North-west Territories, where they had separate schools. There was a formal complaint and petition, accompanied by all the usual circumstances, and that petition was sent on to Mr. Haultain, the gentleman who administered the affairs of that territory, and his answer having been received, and the Committee of the Privy Council here having investigated it, thought that the answer had disposed of the alleged grievances, which were stated in the petition, and no redress was given to them with regard to the North-west. We had complete power and authority, either to veto their laws or to repeal them; this was not a province, but merely a territory; and yet that was the result of the investigation that was made of the so-called grievances with regard to the separate school system in the North-west Territories. But, Sir, the Governments controlled by the same influence that is controlling still, by the influence of hon. gentlemen opposite, who held the pistol to their heads and threatened their destruction, the Government, regardless of the consequences, and to escape the difficulties which then presented themselves, said they would deal with this matter in such a way as, if possible, to save themselves the responsibility, but also to enable the minority to have their separate schools re-established in the province of Manitoba. And so the remedial order was made. The circumstances attending the making of that remedial order have been already adverted to. I will pass over them very briefly; I want to make my statement here complete, or I would not refer to them at all. I ask you, Sir, and this House to remember that the Government which finds delay now such an important matter, a matter that ought to entitle them to credit at the hands of this House, acted with undue precipitation with respect to dealing with the province. Let me give the dates. The judgment of the Privy Council was pronounced on 29th of last January; the order was not made till 2nd February. I am informed, and I think I am correctly informed, that it was not until the 19th February that the formal order reached this country. I may be wrong as to that, for the time seems long, but that is my information; and three days before, the province was summoned by telegram, on the 16th, to appear ten days afterwards at the bar of justice here, or injustice, whichever you may choose to term it, to show cause why a remedial order should not be issued. Ten days is the time allowed, in ordinary suits between parties; but ten days' notice of trial is given with the knowledge that a day has been fixed for trial, and if the case is coming on, the defendant will have notice ten days before. But here the province is summoned, and summoned by telegram, with only ten days' notice, to appear to answer for its legislation on, perhaps, the most important subject within its jurisdiction. Well, Sir, I received instructions on behalf of the province to appear, I think it was on the 24th, the hearing being fixed for the 26th; that was two days before the time fixed for the hearing. I appeared on the 26th, and asked for delay. I asked for delay until the session of the legislature closed. I pointed out that no one was competent, or as competent, at all events, to state to this Government why it was that the legislation had been changed as the Attorney General of the province, who was the head of the department; but he was then engaged in leading the House the Prime Minister of the province being ill in bed. That indulgence was found to be im-

possible. I was granted—for I was appointed without any instructions except the remedial order papers—a delay in order that I might communicate, and either go to Winnipeg to get information on the subject, or to get a gentleman to come from Winnipeg and inform me. But that is not what I asked, and it was not what the province was entitled to expect. And why was this hurry? The hurry was because Mr. Ewart, on the other side, said the minority had been suffering so long they could not allow a session to pass, they must have redress this coming session, they must insist on that. That was the view which prevailed. The order passed in order that this House might be within its jurisdiction during the present session in implementing that order if it became necessary to do so. The order was made, and since then we have had conflicting statements in regard to the effect of the remedial order, and with respect to the responsibility of the Government according to the quarter in which those statements were made. It seems there is another view, a view which certainly had not occurred to me before, in addition to the view put forward by the hon. member for Leeds, that this was merely passing on Her Majesty's order to the province of Manitoba, and it is not a view which is accepted by every one who discusses this question. The other view is that the Government felt they were bound, irrespective of the merits of the case altogether, and without regard to its merits, in disregard, I may say, of its merits, to pass the remedial order in the most ample terms in which it could be passed, granting every demand made by petition, so that the petitioners might come here, and this House would have jurisdiction to take into consideration their case, their hardships and their grievances, and deal with them.

Sir CHARLES HIBBERT TUPPER. Hear, hear.

Mr. McCARTHY. That is the new policy, the last worship; and I trust we shall hear no more about passing on the order to Manitoba, that we shall hear no more about Her Majesty having commanded the Canadian Government, because it is a slander on Her Majesty. Her Majesty does not interfere in England on a matter of this kind, and certainly she does not interfere in Canada. The theory is that when they apply here, it is not the duty of the Government to consider the merits of the case, but it is their duty so to open the parliamentary doors that the minority may come here and get remedial legislation.

Sir CHARLES HIBBERT TUPPER. That is your own view.

Mr. McCARTHY. I thought it was accepted, judging by the cheers that came from the Treasury benches.

Mr. MONTAGUE. It was your own argument. I will read you your argument, if you like.

Mr. McCARTHY. I will state my own argument, and therefore it is not necessary to read it. I cannot refer, of course, to what was said in another debate, but I am in the judgment of the House as to whether I have misinterpreted the view of the Government. What I am anxious to do is to try and fix the Government down to some statement; I want to know exactly where they stand, what their view is. Is it merely passing on the order, is it that they were bound to open the parliamentary doors, is it that they considered the merits of the case? Let us know what their position is. The merits of the case were presented on behalf of the minority by my friend, Mr. Ewart, and I suppose he made the best case the circumstances would admit. And what was the case that gentleman made, and on which the Privy Council pronounced? First, it was that, according to the treaty which was entered into at the time Manitoba became a part of Canada, there was a guarantee given to the minority that they should have their separate schools. Then there were several statements made that at various times in the history of the province, promises had been made by members of various Governments that the separate schools should not be taken from them. Those latter statements were supported by certain affidavits, but the affidavits having been read and filed without notice, they were withdrawn sooner than allow an answer by affidavit to be made. And so the affidavits which should not have appeared in this blue-book, unfairly appeared in this blue-book which has been circulated all over the country, casting reflection upon my hon. friend for Winnipeg (Mr. Martin), and making statements with reference to Mr. Greenway and other gentlemen. These were affidavits which were formally withdrawn at the time of the hearing, and as to which there was no opportunity of making a reply. In printing them here, and circulating them throughout the country for the purpose of damaging men and damaging parties who had no opportunity of answering them, the Government were guilty of a transaction which I wish I could characterize within parliamentary terms. Well, Sir, the case that Mr. Ewart presented was this simple fact as to which there was no possible dispute, and as to which there could be no possible dispute: That separate schools had been established in Manitoba in 1871, and that separate schools had been abolished in 1890. If that constituted a ground for relief, then undoubtedly the case for the petitioners was complete, and, in fact, there was no necessity for argument, and the whole thing was a gigantic farce, because that was the basis on which the hearing of the case was heard. The Privy Council had determined that under the words of the constitution of Manitoba, as contained in the Manitoba Act, the establishment of separate schools subsequent to confederation,

and the repeal of that separate school Act, constituted what, for want of a better term, is called a grievance: constituted, at all events, the right to give the minority the power to come to the Privy Council and ask for a reconsideration of the question, and authorized the Government to make a remedial order, which being disobeyed, gives this Parliament jurisdiction to carry out the terms of the remedial order so far as that is within the constitution and jurisdiction of the province. But, Sir, I want first to deal with a matter which has affected a good number of people. It has been determined as a matter of law that the constitution, as worded, and the Manitoba School Act, as drawn, did not guarantee to the minority separate schools. It has been determined that the rights which were guaranteed to the denominations in Manitoba—and it was a right appertaining not merely to the Roman Catholics, but to the Anglicans and Presbyterians and possibly the Methodists—was a right to do as they had been doing at the time that part of Rupert's Land became a province. That was the right, and that is the right alone which is guaranteed now under the highest interpretation of the statute which we have got from the Judicial Committee. Therefore, as a simple question of the construction of the constitution, there is no more to be said about it. But, Sir, I go a long way with those who say: If the constitution by a slip of the pen has omitted to guarantee rights which were intended to be guaranteed by this Parliament, and which were the result of a treaty between the settlers at that time and the authorities here; and because the strict letter of the law does not give that right, would you deny it to the people of the province? Well, I have two observations to make about that. In the first place, when you speak of this as a treaty it must be borne in mind that Rupert's Land had become a part of this Dominion. We had purchased the territory from the Hudson Bay Company. There was no such thing as a treaty acquiring it from a foreign, or even a quasi-foreign authority, and it is erroneous to speak of it as a treaty at all. What was intended by Her Majesty, and what was proclaimed to the settlers there at that time was that the rights of the individuals inhabiting that part of the country which Canada had acquired should be safeguarded to them, and the right, whatever it may be, is a personal right, differing in that respect altogether from the right that belongs, for instance, to the province of Quebec, by virtue of the treaty which was made at the time of the cession, between the King of France and the Crown of England. What Her Majesty the Queen authorized the Governor General to do here, and what the Governor General proclaimed he would do, and what this country, I venture to say, has done, was to guarantee to the people of that province—the few inhabitants as they were—protection in their rights and their privileges. That was an individual protection, and not one which by any possibility of construction could extend to bind the province for all time. But, Sir, perhaps that view matters little. I am prepared to establish here by the most conclusive authority—and I am glad to know that if I do that I will remove the only cause which moves the Prime Minister of this country to adopt the policy of a remedial order and to promise to introduce a Bill. The Prime Minister is moved simply by the consideration that separate schools were guaranteed as part of the treaty, or part of the bargain made between the inhabitants of the Red River country at that time and the authorities here at Ottawa.

It being Six o'clock, the Speaker left the Chair.

After Recess

Mr. McCARTHY. Mr. Speaker, I was pointing out, when the House rose for recess, that Mr. Ewart, in his presentation of the case on behalf of that portion of the Roman Catholic minority whom he represented, had taken altogether six grounds. The first ground was the historical one, that there had been a bargain entered into between the inhabitants of the Red River country and the people of Canada, as it then existed, that there should be separate schools, and that that bargain was to be considered as a treaty—as a parliamentary pact, to use the language of the Lord Chancellor—which ought to be given effect to, although it did not appear within the four corners of the Act of Parliament. The other arguments presented by Mr. Ewart—and I do not desire to do him any injustice—I will not trouble the House with, beyond mentioning, that when disputes arose with reference to the abolition of the Senate of Manitoba, certain guarantees had been given by the English, and that pledges had been given on behalf of the Liberal party, prior to the time they attained power in Manitoba. These arguments were supported by affidavits, and were withdrawn. The other argument was of a similar character, depending upon an express agreement or promise made or entered into by Mr. Greenway in person with the late Archbishop Taché. This also depended on affidavits, and was withdrawn. I now propose to establish, as I think I can in the most conclusive manner, that there was no bargain between the settlers and the authorities at Ottawa that they should have separate schools. It is as clear as anything can be that, in the disturbances that took place in the Red River district prior to its incorporation in the Dominion, there were two bills of rights, or lists of rights, as they were called. One list of rights, which was prepared, I think, in the month of November preceding the year in which the negotiations took place, I think in 1869,

makes no reference at all to separate schools; it is not asserted by any person that it does. The second list of rights was prepared by the 40 gentlemen—20 French-Canadian Half-breeds and 20 English—who were elected and called a provisional assembly. These lists of rights were submitted to Sir Donald Smith, the hon. gentleman whose place is beside mine here, and they are to be found in our parliamentary returns. Sir Donald Smith, who was sent with two other delegates from Ottawa, signified, on behalf of this Government—although, of course, he had no authority to bind the Government—what he supposed it would be prepared to do. But, Sir, that list of rights No. 2, which will be found in the sessional papers of the following year, does not contain, I think, nor is it pretended by any person that it does contain, any reference whatever to separate schools. So far there is no dispute. It is admitted on all hands that neither list of rights No. 1 nor list of rights No. 2 made any demand on behalf of the settlers of Red River for separate schools. The only demand that was made with reference to schools was that a grant of money—$30,000 per annum, I think—should be made towards the support of separate schools so long as that part remained a territory; for at that time it was not supposed that it would be incorporated into a province. A dispute arises as to whether there was a fourth list of rights—unquestionably, there was a third list of rights—because in what is called the fourth list of rights there is a demand for separate schools in paragraph 7; and the whole of this controversy turns on whether or not the fourth list of rights is a genuine document or a spurious document—whether, in point of fact, there was a fourth Bill of Rights, or whether No. 3 was the last and the one which was brought here by the delegates, and on which negotiations took place for the settlement of the terms for the admission of Manitoba as a province of the Dominion. Now, Sir, let me, as briefly as I can, give to the House the relation with regard to the fourth list of rights. It is claimed that that document was in the possession of a gentleman who is still living, a Father Ritchot, and that upon it there were marginal notes made by him as one of the delegates to Ottawa, indicating that that was the document on which the negotiations had taken place. He was the chief of the three negotiators sent from the Red River down to Ottawa to enter into negotiations with the Government here with reference to the admission of that territory as a province. It is admitted, Sir, that that document is not now to be found. It is claimed, however, that a copy of it was put in at the trial of Lépine, who was tried for high treason, I think, as late as 1874. It is said that Father Ritchot appeared as a witness at that trial and produced the original document, which has been mislaid. But fortunately, it is said, a copy was made of the original document, which copy was sent here to the Department of Justice; and a certified copy of that document was produced before the Privy Council at the argument to which I have referred. Nobody heard of it; though, when I say that, of course, I have to assume, in the absence of any evidence to the contrary, that those who were at the trial of Lépine heard of it; but it was not generally spoken of or known as a claim that was put forward by any section of the population until 1889, when the agitation with regard to separate schools arose. Then Archbishop Taché produced a copy of this fourth list of rights, which contained a claim for separate schools as they existed in Ontario and Quebec; and he claimed that it was agreed to on the part of the authorities here and should have been, if it was not actually, incorporated in the Manitoba constitution. That was very promptly controverted; but I desire first to make plain exactly all that was said in favour of, all that there is with reference to this so-called fourth bill of rights, and I think I have recapitulated with perfect fairness all that is said in its favour. Now, the third bill of rights is undoubtedly an authentic document. No one pretends that there was not a third bill of rights; no one pretends that a third bill of rights was not framed by the provisional council of which Riel was the head, composed out of a body of forty, who were elected in the month of March, 1870. Remember, I have told you that bill of rights number two was the first outcome of this council—that is of the whole body of forty, to which it was submitted, and that appears in our own sessional papers. Then there was the other document, this third bill of rights, framed by the provisional government of which Riel was the head and Mr. Bunn was the secretary. There is no doubt whatever that there was this third bill of rights. There is no doubt it was prepared by the provisional government; but the dispute turns on the fact as to whether this third bill of rights was the document handed the delegates sent to Ottawa, or whether the provisional government, of which Riel was the head, had not altered the third bill of rights and made a fourth bill of rights, and that that was the document which was sent here to Ottawa. Let me give the evidence, which appears to me absolutely conclusive, that no such bill of rights as the one denominated "number four" ever existed. First and foremost, the delegates left Winnipeg on the 23rd March. They left with a letter of instructions from Mr. Bunn, the secretary, of a most formal character, giving them their instructions, instructing them that they were entrusted with a bill of rights, and that they had discretion as to some of the articles contained in it, but no discretion as to others. That letter is published in the blue-book containing the argument that took place before the Privy Council, at page 113, and it reads as follows :—

Sir,--The president of the provisional government of Assiniboia in Council appoints you, by these presents, in authority and in delegation—you the Reverend Messieur J. N. Ritchot, in company with John Black, Esquire, and the Hon. A. Scott—in order that you may proceed to Ottawa, Canada, and that there you may place before the Canadian Parliament the list entrusted to you with these presents, said list containing the conditions and propositions under which the people of Assiniboia will consent to enter into confederation with the other provinces of Canada.

Signed, 22nd day of March, 1870.

By order,
THOS. BUNN,
Secretary of State.

Then the other document that was referred to in his letter of instructions is still more explicit :

To the Rev. Mons. Joseph N. Ritchot.

Inclosed with this letter, you will receive your commission and a copy of the conditions under which the people of this country will consent to enter the Canadian confederation. You will arrive at Ottawa promptly as possible, and on arrival you will, in company with the Hon. M. A. Scott and the Hon. John Black, enter immediately with the Government of the Dominion into the negotiations which are the subject of your commission.

Please observe that, as regards articles numbered 1, 2, 3, 4, 6, 7, 17, 19 and 20, you may, in concert with the other commissioners, exercise your discretion ; but you must never forget that, since the entire confidence of the people rests on you, we look to you to do all in your power, in the use of this discretion, to assure to us the rights and liberties which have been until now refused to us.

With reference to the other articles, I am directed to inform you that they are peremptory. I must further notify you that you have not at all the power to bring to a final conclusion any arrangement, that any negotiation conducted by you with the Government of Canada must first receive the sanction of the provisional government.

I have the honour, &c.,
THOS. BUNN,
Secretary of State.

Now, mark the date of this letter, the 22nd of March. Mark the further fact that it was on the 23rd March these delegates left for Ottawa. And the question comes up, what document is referred to here as the document containing the list of articles and propositions upon which Assiniboia, as it was called, was prepared to enter confederation ? The first important fact, and it is a historical fact which has never been disputed, is that on the day these delegates left, namely, the 23rd March, this provisional government published a manifesto to the people of Red River stating that delegates had been sent and that the terms and conditions upon which they were authorized to treat were those contained in the bill of rights No. 3. Now, that is a fact which has never been called in question. It is stated and known perfectly well in Winnipeg and it has never been disputed or denied. What the late Archbishop Taché said was that notwithstanding this, the provisional council had altered bill of rights No. 3 and converted it into bill of rights No. 4. If so, it was most extraordinary that the provisional government should have issued a manifesto to the people in which they related that the bill of rights which they sent was the one we now know as bill of rights No. 3. But the matter is settled now beyond all controversy by the English blue-book containing these documents, which was brought down at the time, and which contains correspondence from the then Governor General, Lord Lisgar. In a despatch of 29th April, Sir John Young as he was then, in writing to the Colonial Secretary, adds this postcript to the communication :

I think it is right to forward to Your Lordship a copy of the terms and conditions brought by the delegates of the North-west, which formed the subject of the conference.

On page 130 of the blue-book, it is stated as follows :—

A list of the rights and a list of the terms and conditions referred to in your letter of instruction.

(Signed) THOS. BUNN,
Secretary.

To John Black, Esquire, one of the delegates.

So, if anything at all is capable of proof, I think it is established, beyond all reasonable controversy, that the document which was brought down, upon which, as His Excellency then informed the Home Government, the conference had taken place, was not the so-called bill of rights No. 4, but the bill of rights No. 3, and that bill of rights contains no allusion whatever to the question of schools. It will be asked, perhaps, how then came the bill of rights No. 4 ? I do not think it is difficult to account for. Remember that this so-called provisional government was in direct defiance of the authority of the Crown, and when these delegates came to Ottawa, as Father Ritchot afterwards related in his report made in Winnipeg, the Government ostensibly refused—Sir John Macdonald and Sir George Cartier being the gentlemen delegated to speak on behalf of the Government—to treat with these gentlemen as delegates from a provisional government which the Governor General could not allow them to recognize. At the same time, the document was produced, and, of course, was returned amongst the correspondence we find here. And when Father Ritchot went home to Winnipeg, he complained in his report—and it will be found in the blue-book here, for I cited it in full from a paper called the "New Nation" published at the time—he complained that down here in Ottawa, while they declined to treat with him upon the bill of rights which he and his colleagues had brought down, they put a list of rights or so-called list of rights in his hands, which formed, as it were, the basis of the terms upon which this country was prepared to treat with the settlers of the Red River. Upon this the note in Father Ritchot's hand-

writing appears and explains, as it appears to me reasonably without imputing bad faith or concoction of this document to anybody, which it is not necessary I should do. Then what conclusion are we driven to? That in the three different lists of rights prepared by the people of the Red River, one in November, one in the early part of March, one in the latter part of March—one by the council in November, one by the counc'l of forty and one by the provincial government—no claim was made in reference to the schools except in one, I have forgotten which, that they should have a certain amount of money annually for the support of their schools. We are therefore left in this position—that whatever appears in the Act of Parliament was the free grant or free gift of the people who were negotiating here; it was not the result of any demand, it was not in consequence of any claim; but it was probably suggested here by the same influence, which have from first to last claimed that in all our constitutions of the Northwest and wherever we had the power, we should insert not merely a clause of this kind, but also a clause with reference to the dual language. Now, I think that is a fair explanation of it, and the conclusion of it is this—whatever the Act of Parliament gives, and to the extent that the Act of Parliament gives, we are bound to respect it, we are bound to abide by it so long as it is the law of the land. But when it is claimed on behalf of the minority that they are entitled to get something beyond what the Act of Parliament contains, something that they say ought to have been included, but which through inadvertance was omitted, I think I have shown satisfactorily to any impartial man that the claim utterly and entirely fails and that there is no ground whatever for supposing that they are entitled to anything outside the four corners of the document itself. Sir, intrinsically, it is impossible to imagine that there could have been any such claim. One of the paragraphs which these delegates were permitted to treat about, that is to surrender or not to insist upon, is paragraph No. 7. This paragraph No. 7 is the one said to contain the claim to separate schools. But paragraph No. 7 as it reads here, is as follows:—

> That a sum of money, equal to 80 cents per head of the population, shall be paid by the Dominion of Canada to the local legislature until such time,——

And so on. A very natural one to be treated about; a very proper one for negotiation. But if you insert instead of that the clause with reference to the schools, and if you imagine the people there are interested in their schools and separate schools to the extent that has been represented, it is evident that the delegates would not have had any power to abandon it or to escape insisting upon it. Then, Sir, I come back to the cases that is presented—and I adopt this case because I think that it is fitting that I should do so. I know of no place where the claims of the minority have been so formally set forth as in this deliberate argument by the counsel; and therefore I take it as the best case that could be put forth on their behalf. But before I pass to the main question I propose to deal with, let me clear up a matter about which I am afraid there is a good deal of misapprehension in the minds of members of this House, or some of them at all events. I do not think that the hearsay that has been so industriously circulated that the action of the Government here was in pursuance of the mandate of the Judicial Committee of the Privy Council, has been yet entirely cleared away; and that is a point upon which I desire now, with the indulgence of the House, to cite not so much my own view, which is perfectly well known and, perhaps, goes for very little, but the view propounded by the gentleman who argued the case before the Judicial Committee. I will fortify that with the language of the Law Lords who heard the case, and I will add perhaps something that has not yet been brought to the notice of the Canadian Parliament, although I see it was referred to by the Attorney General in the discussion which took place in Manitoba. Now, in the first place, I do not think my hon. friend the Minister of Justice, who may perhaps take part in this discussion, will risk his reputation as a lawyer by contending there that the Judicial Committee of the Privy Council had jurisdiction to give a mandate to the Governor General of this country, or that the Judicial Committee had authority to say what this Parliament should or should not do. Sir, the Judicial Committee merely stood in the place of the Supreme Court of Canada. Their only jurisdiction is derived from the fact that by our own Act of Parliament we authorized the Governor General in Council to submit questions of difficulty either in fact or law for the information of the Government to the Supreme Court of this country. And we gave the right to any person who was interested in the decision of our Supreme Court to carry the case to the Judicial Committee. And it will be remembered, for it has been often cited, that when Mr. Blake made the proposition that such a Bill ought to be passed, Sir John Macdonald took exception to the argument that Mr. Blake presented. He based his objection on the misunderstanding, as it afterwards turned out, that Mr. Blake proposed to substitute the opinion of the court for that of the Privy Council of this country and to remove from the Privy Council its ministerial responsibility. Sir John said: "Believing as I do in responsible government, I will be no party to any system which will lessen the responsibility which ought to be borne by the Government, or allow the courts to say what the Government of this country should or should not

do." And, in the Act Parliament framed upon that it will be found that care was taken to let it be made perfectly clear and plain that the questions to be submitted to the court were for the information of the Privy Council. I need not quote the words of Sir John Macdonald, for his statement has been referred to frequently before. But I will read Mr. Blake's expression of opinion upon the same subject when he made his proposition :

I by no means propose to withdraw from the executive its duty ; my object is to aid it in the efficient execution of its duty.

Further on in his speech he said :

It is but an enabling proposition ; it but empowers the executive to obtain—by a procedure replete with the essential requisites for the production of a sound opinion—the views on legal questions, leaving to the executive so aided the responsibility of final action.

Sir CHARLES HIBBERT TUPPER. Has the hon. gentleman any more of Mr. Blake's speech there as to the reasons for his action ?

Mr. McCARTHY. No ; I took this from "Hansard," but I have only the paragraph applicable to this point. Look at the Act of Parliament framed upon that, and it will be found that it declares that questions may be put to the Supreme Court for the information of the Governor in Council. Well, now, questions were put, the Supreme Court answered those questions. The parties who were interested appealed from the decision to the Judicial Committee, and that committee said that in some respects the answers of the Supreme Court were erroneous and ought to be corrected, and they corrected them accordingly. How, then, can it be said that the Judicial Committee, speaking in appeal from the Supreme Court, pronouncing the judgment that the Supreme Court ought to have pronounced, and that alone—that anything that fell from that judicial body could be treated here as a mandate to the Government of this country ? Why, Sir, that question never was before the Supreme Court. They were asked whether a grievance had occurred, and whether there was jurisdiction, and the answer is in the affirmative. It was not denied that we had jurisdiction, but how that jurisdiction was to be exercised, was not before the courts, was not argued, and is not present. How, therefore, could their decision possibly be a binding decision ?—how be of any effect at all one way or the other, upon the Government of this country ? Sir, I do not think this great Parliament, and the Government which leads this Parliament, have yet come to the position of being obedient to the mandate of any court. I know no court which can command the Governor General of this country. What is done here is done by the Administration of this country in the name of the Crown, in the name of His Excellency the Governor General, who represents the Crown. They are his advisers, but the acts of the Administration is the act of the representative of the Crown. But if there was any possible question about it, that is absolutely set at rest when one reads the discussion that took place before that body. I am really ashamed to occupy the attention of this House with a discussion of what seems to me perfectly clear ; but I know that amongst many members with whom I have had the honour of conversing, doubts are entertained, from reading newspapers, and probably newspapers on one side of politics only, where it has been persistently and industriously stated and circulated that the Government here, in order to escape responsibility—I am speaking now of the newspaper argument in their behalf—had merely done what they were obliged to do, and what they had been ordered to do, and such as all loyal and good subjects ought to have done. For a moment, however, I will trespass upon the time of the House by referring to the argument before the Judicial Committee of the Privy Council. Mr. Blake was the leading counsel in that argument, and, at the very beginning of his statement, which will be found on page 26 of the Manitoba School case, the Lord Chancellor interrogated him as to what was the meaning of the appeal, what were the facts involved in it, and Mr. Blake very frankly and very properly answered in this wise :

The LORD CHANCELLOR. It is not before us, what should be declared, is it ?

Mr. BLAKE. No ; what is before Your Lordships is, whether there is a case for appeal.

The LORD CHANCELLOR. What is before us is the functions of the Governor General.

Mr. BLAKE. Yes, and not the methods in which he shall exercise them—not the discretion which he shall use, but whether a case has arisen on the facts on which he has jurisdiction to intervene. That is all that is before Your Lordships.

Mr. Blake repeatedly referred to it again. I will trespass upon the House by reading one or two references more from Mr. Blake, on page 32. Mr. Blake is here quoting from the minute made by the Council, of which Sir John Thompson was chairman, and he says :

Your Lordships will observe the phrase "at present."

He is speaking of the Minute of Council in which this language is used :

The application comes before Your Excellency in a manner differing from applications which are ordinarily made under the constitution to Your Excellency in Council. In the opinion of the sub-committee, the application is not to be dealt with at present as a matter of political character or involving political action on the part of Your Excellency's advisers.

What does Mr. Blake say to that ?

Your Lordships will observe the phrase "at present." On the preliminary question, which is a question whether there are grounds to entertain

an appeal, the committee thought they were going to act judicially, but, very properly, they added the words "at present," because it is quite obvious that when they enter upon the sphere of action of entertaining an appeal, their functions must be political, of expediency and of discretion, just as much as the functions which, in the last resort upon their recommendation, are assigned to the Parliament of Canada itself, of course, a political body.

How can anything be plainer than that, so far as Mr. Blake's opinion goes, the gentleman who is acting on behalf of the Roman Catholic minority that is referred to repeatedly all through the argument. For instance, at page 37, Lord Shand says :

If the appeal is before the Governor, would he be entitled to take political considerations into view ?

Mr. BLAKE. Doubtless.

Lord SHAND. That is what you get into if your appeal is a successful appeal ?

Mr. BLAKE. I should say so.

Sir CHARLES HIBBERT TUPPER. You call that obiter, I suppose ?

Mr. McCARTHY. No, not obiter, because the courts there are ascertaining what they have got to decide. Counsel representing them says : With these questions Your Lordships are not to be troubled. If the counsel representing them says to the court, We do not want information upon that point, how can it be claimed that the court is giving an opinion which my hon. friends here are bound to obey ? It is a concession on the part of the appellant counsel, that upon these questions, which, in themselves, are plain enough, there is no jurisdiction for the Judicial Committee, any more than there was for the Supreme Court of Canada, to determine the responsibility of the Governor General in Council. Lord Watson says, at page 39 :

I suppose we are not asked to give any such finding or opinion as would tie the Governor General to follow any recommendation of the Canadian Parliament.

Mr. BLAKE. I do not think Your Lordships are. I do not like to make an absolute concession at this time.

Lord WATSON. I rather took it from your statement that we are in a position in which we ought not to do that.

Mr. BLAKE. I think Your Lordships are not bound to go further.

Lord WATSON. I suppose we are bound to give him advice in this appeal. He has asked nothing else but advice throughout. He has not asked for a political decision which shall fetter him in any way.

Mr. BLAKE. It could not be. The law which creates the tribunal for the purpose of giving advice, expressly states that in their political capacity they are not bound by that advice.

That is the law to which I referred a moment ago. The Lord Chancellor, at page 62, says :

The question seems to me to be this : "If you are right in saying that the abolition of a system of denominational education which was created by a post-union legislation, is within the 2nd section of the Manitoba Act and the 3rd subsection of the other, if it apply, then you say there is a case for the jurisdiction of the Governor General, and that is all we have to decide.

Mr. BLAKE. That is all your Lordships have to decide. What remedy he shall propose to apply is quite a different thing.

At page 87, Lord Shand intervened :

There must be a marked difference, with reference to anything interfering with what was the state of matters at the union, and anything interfering with the state of matters which had been changed by the legislature after the union. In the one case it would be bad in point of law and 'ultra vires," in the other you can destroy the right, but that destruction of the right is liable to appeal.

Mr. BLAKE. That is precisely the line which I am about to adopt.

Lord WATSON. It may be qualified or abrogated.

Mr. BLAKE. The case does not arise, if there are privileges which have not been broken. I suggest that the provision of the enabling clause, with subsection 1, is absolutely complete in itself.

That is the first clause, which restrained the legislature from making laws which would deprive any religious denomination, or any class of persons, of the rights which they possessed at the time of the union.

It requires in its nature no supplement of any kind—no appeal to a political executive tribunal, as the Privy Council of Canada—no appeal to a legislative tribunal, as the Parliament of Canada, is wanted. Nothing exists for the executive tribunal or for the legislative tribunal to operate upon. No question of expediency, no question of discretion arises. The course of the law is all, and it is enough. That is the whole theory.

Again, at page 88, I find :

The appeal is to a political and non-judicial tribunal.

And it goes on to show how absurd it would be to suppose that the appeal was to anybody except a non-judicial tribunal. I now will mention Mr. Blake's references, on page 193 :

Lord WATSON. I apprehend that the appeal to the Governor is an appeal to the Governor's discretion. It is a political administrative appeal, and not a judicial appeal in any proper sense of the term, and in the same way, after he has decided, the same latitude of discretion is given to the Dominion Parliament. They may legislate or not, as they think fit.

Mr. BLAKE. Only within the limits of his discretion ; they cannot go beyond.

The closing words of his reply may be referred to with advantage. At page 266 will be found his last words :

Mr. BLAKE. What we ask your Lordships is, What the privileges were, and how far they have been infringed ; and then we propose to ask the Governor General to determine how far he will go. I do not ask your Lordship to make any suggestion as to his action, which, I conceive, from the beginning is political. He is to be instructed as to the law ; and then his action and

the action of the Parliament will carry the thing out.

There is no doubt at all that the instruction or direction was as to the question of law. I will come in a moment to the questions that were asked, and we will find to what ex ent the Judicial Committee has power to go, and then I will allow the hon. gentleman who may follow me to seek, if he likes, shelter under the direction of the Judicial Committee, if he thinks that argument will avail him. I call attention now to what Mr. Ewart said, at page 180. Mr. Ewart is asked this question by Lord Watson :

Lord WATSON. The power given of appeal to the Government, and upon request by the Government to the Legislature of Canada, seems to be wholly discretionary in both.
Mr. EWART. No doubt.

My hon. friend the Minister of Justice will perhaps endeavour to reconcile a mandatory order with this statement of the law, which say it is discretionary. I leave that for the hon. gentleman to do. Lord Watson then said :

Lord WATSON. Both in the Government and in the Legislature.
Mr. EWART. Yes.

At page 183, Mr. Ewart says :

Before closing, I would like to say a word or two as to what we are seeking. As it has been already remarked, we are not asking for any declaration as to the extent of the relief to be given by the Governor General.

Although it was not asked, we are now told it was ordered.

We merely ask that it should be held that he has jurisdiction to hear our prayer and to grant us some relief, if he thinks proper to do so.

One or two extracts from the opinion of the Law Lords during the course of the argument. At page 121, to which I have not referred, Lord Watson makes this emphatic declaration. Mr. Haldane's argument was that this clause applied to clause No. 1, that the right of appeal only existed where clause No. 1, which was prohibition, had been violated. The argument on the other side was that clause No. 1 was complete in itself ; that clause No. 1 said it could not be done, but it was done ; the law was all-powerful to give redress and afford relief. The clause under consideration could not be held applicable to that, and in order to give a fair and reasonable meaning it must be held to apply to some other part of the constitution.

Lord WATSON. I am prepared to advise the Governor General and decide on the meaning of this clause, but I am not prepared to relieve him of the duty of considering how far he ought to interfere.

Lord Watson, at page 180, said :

Lord WATSON. The power given of appeal to the Government, and, upon request by the Government to the legislature of Canada, seems to be wholly discretionary in both.

I think I read this quotation before in connection with Mr. Ewart. Mr. Ewart said, "No doubt." At pages 258-59, Lord Macnaghten made these observations :

Lord MACNAGHTEN. We are a judicial body, and he is not sitting as a judicial body.

The learned judge seemed to have anticipated the argument which might possibly be made.

Mr. HALDANE. There come in those considerations which I will not venture to repeat.
Lord MACNAGHTEN. He is to take into consideration many things which we have not to.

Then the Lord Chancellor interrupts.

The LORD CHANCELLOR. He cannot do anything himself. At the last resort the only person or body who can do anything more are the Parliament of Canada, who are certainly not under legal compulsion to act, and certainly would not act unless they conceived there was some substantial ground for it.
Mr. HALDANE. Certainly not.

I think I have read opinions expressed by Lord Watson, Lord Shand and Lord Macnaghten, and the Lord Chancellor in two or three places, though not in all the places in which he made remarks. So far as I have gone, if I am not misrepresenting all that occurred, if I am not citing passages without their appropriate context, which would lead to a different conclusion, every hon. member must realize that beyond all question it cannot be said that in anything the Government were doing they were acting under compulsion or in obedience to any mandatory order. Let me now submit the questions which were asked, and on which this jurisdiction was founded. Hon. members will not find in this list of questions submitted to the Supreme Court of Canada, and which afterwards came before the Judicial Committee, one solitary word of comfort for the case I am now anticipating. There is not a question here which in the slightest degree gives countenance to it. There are six questions. No. 1 was :

(1.) Is the appeal referred to in the memorials and petitions stated in and made part of the case and asserted thereby, such an appeal as is admissible by subsection 3 of section 93 of the British North America Act of 1867, or by subsection 2 of section 22 of the Manitoba Act, 33 Victoria (1870), chapter 3, (Canada) ?

That was decided, as we know, in this wise, that the appeal was not well founded under the British North America Act, but that it was well founded under the Manitoba Act. The second question was :

(2.) Are the grounds set forth in the petitions and memorials such as may be the subject of an appeal under the authority of the subsections above referred to, or either of them ?

The answer was, Yes. In other words, that the post union establishment of separate schools and the abrogation of separate

schools gives the right of appeal. It was a cause, or in language with which I am more familiar, it was a cause of action. The answer to the third question is :

That the decision of the Judicial Committee of the Privy Council in the case of Barrett against the city of Winnipeg, and Logan against the city of Winnipeg, does not dispose of nor conclude, the application for redress based on the contention that the rights of the Roman Catholic minority which accrued to them after the union under the statutes of the province have been interfered with by the two statutes of 1890 complained of in the said petitions and memorials.

The answer was, therefore, that the decisions in the cases of Logan and Barrett, did not conclude or determine the complaint which is made now. It was not pretended it did. All that Logan and Barrett determines was that the Act of 1890 was intra vires, that the legislature had the power to pass it, and the question which now arises is of quite a different character. The fourth question I have dealt with because it is included in question No. 1, and merely repeated. The fifth question was :

Has His Excellency the Governor General in Council power to make the declarations or remedial orders ?

Has His Excellency "power." The question is not : Is he bound to make the declarations, but has he power to make them. In other words, has he the authority to make these declarations.

(5.) Has His Excellency the Governor General in Council power to make the declarations or remedial orders which are asked for in the said memorials or petitions, assuming the material facts to be stated as therein, or has His Excellency the Governor General in Council any other jurisdiction in the premises ?

The answer to that question was, that His Excellency the Governor General had the power, and I will read the answer in detail :

(5.) Answer to the fifth question—That the Governor General in Council has jurisdiction and the appeal is well founded, but that the particular course to be pursued must be determined by the authorities to whom it has been committed by the statute ; that the general character of the steps to be taken is sufficiently defined by subsection 3 of section 22 of the Manitoba Act of 1870.

These answers are all that we are bound by, and we are not bound by them, according to the opinion of Sir John Macdonald and Mr. Blake, which was, that this was only for the information of the Governor in Council. Speaking technically, and speaking strictly, of course they were not binding upon the Government, and if they were not binding upon the Government, of course they cannot be binding upon Parliament. Many people think that the two judgments of the Judicial Committee cannot be reconciled. For my part, I am able to see the distinction and can realize how the Law Lords arrived at the conclusions they did. I do not attempt to set up my authority or my opinion against the decision of the highest court in the realm. Two observations are to be made with regard to the answer to question No. 5. One is, that their Lordships have gone beyond the question, and to the extent which they have gone beyond the question, if it was at all important, which I do not think it is, it is not binding in any sense. Let me see if I am not right in that. The two questions are asked with reference to jurisdiction, and therefore if their Lordships had gone on beyond the simple answer which would have been quite sufficient by the word "yes," it is simply something that their Lordships were not invited to give their opinion upon, and of course the Government would not be bound in any sense to follow it. But what their Lordships did was to say ; That the Governor General in Council has jurisdiction and the appeal is well founded, but the particular course to be pursued must be determined by the authorities. That is, by the Governor in Council, to whom it has been referred by the statute. Then they go on to say, which is a mere obiter, and which after all does not add to what we know, and does not take from it in the slightest degree :

That the general character of the steps to be taken is sufficiently defined by subsection 3 of section 22 of the Manitoba Act of 1870.

That is the judgment, and now let me come to the reasons for the judgment. When their Lordships were dealing with this matter in the judgment (and that is what we heard so much of) their Lordships say this :

For the reasons which have been given, their Lordships are of opinion that the second subsection of section 22 of the Manitoba Act is the governing enactment.

In other words, the British North America Act does not apply :

And that the appeal to the Governor General in Council was admissible by virtue of that enactment, on the ground set forth in the memorials and petitions, inasmuch as the Acts of 1890 affected rights and privileges of the Roman Catholic minority in relation to education within the meaning of that subsection.

No person disputes that, at this date at all events. Whatever controversy there may have been as to whether there was an appeal upon these subsections before, this decision has now set at rest, and it is completely and absolutely concluded by this judgment. Their Lordships go on :

The further question is submitted, whether the Governor General in Council has power to make the declarations or remedial orders asked for in the memorials or petitions, or has any other jurisdiction in the premises. Their lordships have decided that the Governor General in Council has jurisdiction, and that the appeal is well founded, but the particular course to be pursued must be determined by the authorities to whom it has been committed by this statute. It

is not fair for this tribunal to intimate the precise steps to be taken.

Perhaps my hon. friend will base an argument, because they say the "precise" steps to be taken, but I point out to the House, that we did not ask what precise steps should be taken. What we asked was: Has the Government jurisdiction to entertain this appeal? To put it in plain language so that every one can understand it, what we asked was: Was the repeal of the Act of 1871, (which was passed after the union), by the Act of 1890, a deprivation of the rights which the Roman Catholic minority then enjoyed which gives them the right to come here and complain. These were the two questions and they exhaust the whole subject. Their Lordships say:

Their general character is sufficiently defined by the third subsection of section 22 of the Manitoba Act.

Negatively their Lordships add what their Lordships are not called upon to add:

It is certainly not essential that the statutes repealed by the Act of 1890 should be re-enacted or that the precise provisions of those statutes should again be made law. The system of education embodied in the Acts of 1890, no doubt, commends itself to, and adequately supplies the wants of the great majority of the inhabitants of the province. All legitimate ground of complaint would be removed if that system were supplemented by provisions which would remove the grievance upon which the appeal is founded, and were modified so far as might be necessary to give effect to these provisions.

There is the whole of it, and that is perfectly true. That statement is an opinion, and a very correct opinion. If this petition was to be entertained, if the order was to be made, their Lordships intimated, just for what it was worth, that the order need not require the repeal of the Acts of 1890 and the re-enactment of the Acts of 1871, but that all legitimate causes of complaint would be removed if a statute or statutes were passed adapted to and grafted upon the Public School Act of 1890, which would practically restore to the Catholics the rights they had enjoyed prior to that enactment. Now, Sir, it certainly will not be argued by any person who cares at all for his standing in the community as a professional man, that there is anything in this that is mandatory or compulsory—that there was not the most complete and ample discretion to be exercised on the part of His Excellency's advisers—that they might have gone so far, or might have gone the whole length, as they have done, or might have dismissed the petition and said, All things considered, there is no sufficient ground to call upon us to interfere. For, Sir, the position of the Governor General is this: He has to act before this Parliament can be called upon to act; he is interposed between the local legislature and the Dominion Parliament. I can quote the language of the Law Lords to that effect. Before the minority can come to this arena, the Governor General must have passed upon the question; so that there was not to be a direct appeal from the local legislature to the Dominion Parliament. The Governor General in Council, upon his responsibility, was to investigate the claim for redress put forward in the petition, and unless he saw sufficient cause, this Parliament was not to have any jurisdiction to intervene. Now, Sir, Mr. Christopher Robinson is a gentleman of whom I am sure my hon. friend has the highest opinion as a professional man, and we have Mr. Christopher Robinson's opinion, obtained by the Attorney General of Manitoba, on this very question. It was stated on the platform in Haldimand —in an election campaign it is not to be expected that the imagination will be kept within ordinary bounds—that Mr. Christopher Robinson had given an opinion that the Governor General in Council was bound to pass the remedial order. In the Winnipeg "Tribune," I find in Mr. Sifton's speech the opinion of Mr. Robinson set forth. He is asked the question: Whether the Governor General's determination upon the application or appeal was not a question of political policy, and whether he was bound to make an order by anything called for either by the statute or by the judgment of the Judicial Committee. Mr. Robinson's opinion is as follows:—

The restoration of the privileges of Roman Catholics in Manitoba is undoubtedly left open by the judgment, in the sense that it is entirely in the discretion, both of the Governor General in Council and of the Dominion Parliament, to what extent, if at all, they will act upon the appeal or upon the Order in Council, respectively, in affording a remedy.

It cannot, I think, be said that the mere fact of right of the Roman Catholic or Protestant minority in relation to education having been affected by provincial legislation, entitles them, in every case and under all circumstances, to the restoration of such right, or to any relief. Their right is to appeal, but the result of such appeal must depend, as I have said, upon the judgment of the Governor General in Council and of the Dominion Parliament, whose course would no doubt be determnined by a sense of justice and right, and by a due regard to the letter and spirit of the constitution, in view of all the surrounding facts and circumstances in each particular case.

The expressions of opinion of the Judicial Committee in this matter are in no legal sense binding upon the members of the Dominion Government, or of the Parliament of Canada, so far as any action to be taken by either is concerned.

Both are at liberty to exercise their own discretion, and not the less because it is declared that a grievance exists. As I understand the judgment, it cannot be said, strictly speaking, to decide more than that the appeal will lie.

That is all, and that is as far as I am willing to go. It is quite sufficient, of course, to give the jurisdiction to the Governor General in Council, and quite sufficient if the hon. gentlemen on the treasury benches are prepared to accept the responsibility of their action. I am only arguing that they cannot shelter themselves under

any assumption that they were ordered to do what they have done. Frankly, if they had passed the order, deliberately accepting the responsibility of it, I would have nothing more to say in regard to that. I do not pretend that it was not open to them to pass the order; and I could not challenge the propriety of their action if they had been acting judicially, and had been ordered by a higher power to do what they have done. Now, in what way should this question have been viewed by the Governor General in Council? The province had exclusive power in educational matters. It had the right to pass the School Act of 1871, and it had the right to repeal that Act, as it did repeal it, by the School Act of 1890. That is perfectly valid law; and until repealed by the Parliament of Canada, so far as the Parliament of Canada has power, or until repealed by the local legislature, that law stands; there is no doubt about that. When the minority appealed here, what consideration should have actuated the Privy Council of this country, upon whom the high and responsible duty was cast of investigating this question? Was it, Sir, simply that separate schools had been established, and that separate schools had been abolished? If so, why all this argument? Why these four days of discussion? Because that statement could not be denied—separate schools had been established and separate schools had been abolished. Is that all? Why cite, as Mr. Ewart did, the fictitious bill of rights No. 4? Why try to prove that my hon. friend from Winnipeg had gone into some county and pledged his government that they would not abolish separate schools? Why try to prove that Mr. Greenway had visited Archbishop Taché and entered into a compact with His Grace that if he got the support of the Roman Catholics he would stand by separate schools? What is all that for if the simple statement that separate schools had existed and that separate schools had been abolished made it incumbent upon the Governor General in Council to re-establish them? Sir, I scout any such proposition; it cannot be accepted by any person. But, Sir, I will venture to point out, and prove conclusively, that there was no other principle. I am speaking now as if this were a judicial body. I am not going to make charges of bad faith or corruption—I am speaking, of course, in the broadest sense of the term—against the hon. gentlemen on the treasury benches. I am assuming that they were actuated by proper motives, and not by the mere counting of party noses, and by the consideration of what would best suit party exigencies; and I venture to say that if you read Mr. Ewart's argument from beginning to end, you will not find in it one word that will justify this Council or this Parliament in over-riding the will of the local legislature and re-establishing separate schools in Manitoba. When this question came, in 1890, before the province, what was the proper ground for the province to consider? That system of schools has been in force for nineteen or twenty years. There had been separate schools for the Catholic and the Protestants, and there were the results to be found from this system—results patent and open, results well known throughout the whole of Winnipeg and the province. And it is because the results of that system have been absolutely and utterly disastrous, because there was not, as I believe, one solitary soul ever emerged from a separate school emerged from his original position, because illiteracy prevailed from beginning to end of them. Because the public money was wasted which the local legislature were entrusted with to provide for the education of the people, because the object of a school system was not attained, that the legislature, after due and careful consideration, decided that what should be done was to establish a system of public and national schools. That was the ground upon which their decision was based. That ground was frequently established, and has never been contravened. Not one word will be found in the argument presented, and upon which the Council acted, not one word will be found in the remedial order to show that the question ever entered the consideration of hon. gentlemen; but they, in haste, as if it were a matter of no consequence whatever, laid a mandatory order, commanding a great province, not very fully represented in this House, and represented by gentlemen who do not seem to care very much what becomes of the province—they are being wakened up, I am glad to see; the hon. Minister near me has been called upon to hand in his resignation.

Mr. FOSTER. That is what you want.

Mr. McCARTHY. My hon. friend seems always to dread that above everything else. He never dreads anything but that.

An hon. MEMBER. That remark does not come in very gracefully from you.

Mr. McCARTHY. Does it not? Here is a province with six representatives in this House.

Mr. DALY. Quite capable of looking after themselves and the interests of their province.

Mr. McCARTHY. We will see about that. In the meantime, I draw attention to the fact that the province is but a small one, so far as numerical representation goes; but I venture to say the hopes of this country depend upon Manitoba and the North-west, and you are disturbing it; you are interfering with Manitoba.

Mr. DALY. Who?

Mr. McCARTHY. I am not speaking of my hon. friend, but of the interfering by

this remedial order. You are interfering with Manitoba, you are oppressing, you are attempting to coerce Manitoba, and you will yet live to rue the day when you attempted to trample upon the rights of a province without cause, without any ground, without consideration or investigation. It appears that of the public money granted to Roman Catholic schools, there was no audit, no account, and the same system was to be restored under the remedial order.

Mr. FERGUSON (Leeds and Grenville). No.

Mr. McCARTHY. The hon. gentleman has not read it or he would not say that. The remedial order requires that system to be restored, and I will refer to it in a moment if the hon. gentleman doubts it. Under that system, public moneys were distributed to schools which were not kept open more than a day or two in the week; and by some hocus pocus, which I am not able to fathom or understand, it went to Roman Catholic and Protestant teachers in the ratio of $349 to Roman Catholics against $170 to Protestants, although it should have been distributed on an equal basis. And these schools, which were supposed to be kept open, taught by Roman Catholic priests, were kept open a day or two here or there, and the money went to the maintenance of the Roman Catholic Church.

Mr. GILLIES. Where does that appear?

Mr. McCARTHY. In the statement of Mr Sifton.

Mr. GILLIES. That is not law.

Mr. McCARTHY. It is fact.

Mr. MONTAGUE. There was an electoral campaign on where Mr. Sifton made these statements.

Mr. McCARTHY. I do not know what my hon. friend did in the election campaign.

Mr. BERGIN. You know what you did yourself.

Mr. McCARTHY. I challenge my hon. friend to show that Mr. Sifton made any statement on any platform from which he spoke in Haldimand or Ontario which was not based on fact.

Mr. TISDALE. They were contradicted, every one of them.

Mr. MONTAGUE. I challenge my hon. friend to produce a single proof of his statements.

Mr. McCARTHY. That is a pretty barren kind of challenge.

Mr. MONTAGUE. You made the statements.

Mr. McCARTHY. I gave the hon. gentleman my authority. I suppose that the head of the Education Department ought to be an authority?

Mr. BERGERON. Does the hon. gentleman know that a gentleman in the other House denied the whole of these charges?

Mr. McCARTHY. I am not at liberty to refer to what took place in the other House.

Mr. BERGERON. It is published in the newspapers.

Mr. McCARTHY. I have made my statements, and if the commission is issued, which the local government invites, I have no doubt they will be proved up to the hilt. Why does the Government not accept the challenge which the local government have thrown down in answer to their remedial order? The Manitoba Government say they will facilitate an investigation, but this Government will none of it. The challenge is not accepted, and no attempt is to be made to see whether the charge is or is not true. There is another cause which renders Manitoba a province where it is almost impossible to support a system of separate schools. The province of Manitoba is as large as the province of New Brunswick, and larger than Nova Scotia and Prince Edward Island taken together. It has not yet a population of 200,000. It had at this time a population of about 150,000 scattered over the province. It is a country, to use Mr. Sifton's own statement, of magnificent distances. It is a country in which the people are sparsely settled, and I give one more statement on the authority of Mr. Sifton. There are now in Manitoba, 884 schools in operation, as they call it, according to the last returns.

Sir CHARLES HIBBERT TUPPER. Are those inclusive of the schools supported by voluntary subscription?

Mr. HUGHES. Do they include the separate schools?

Mr. McCARTHY. I do not know whether they include separate schools or not, but I will give the number of separate schools, which does not materially increase or diminish. The number of separate schools now is only thirty-eight, and probably those are not included. I suppose these 884 schools are the public schools. Now, it was proposed by the Attorney General himself to withdraw the grant of public money from schools in which there is not an average attendance of seven; but upon investigation it appears that if that enactment was made, it would deprive no less than 150 schools of these 884 of a share of the public grant, and virtually close them up. Now, if you separate and divide in a country like that, you make it almost impossible to educate the people at all. Why, with the public schools, in 150 of which there is not actually an average attendance of seven pupils? But you are to divide them, you are to separate them, you are to re-enact the law which says that no Protestant shall

contribute to a Catholic school, and that no Catholic shall pay a tax to a Protestant school, in order to advance the educational interest of the people of Manitoba. These are considerations, I think, that ought to weigh with this Parliament and ought to have weighed with the Governor in Council. The cost of the schools, of course, is very great. The scattered nature of the population increases the per capita expenditure upon the schools. Are these considerations that should have weighed with the advisers of His Excellency? Were they taken into account? Let me give the population as divided between Roman Catholics and Protestants. That is a consideration. I do not put it on the ground that the minority is very small and that the right which would be granted to a larger minority this smaller minority are not entitled to. But I put it upon the plain, practical ground that with a small Catholic population and a proportionately large number of Protestants, the policy of separating the two in educational matters could not be of advantage to either section of the population. For this is not merely a question of Catholic or Protestant. Even in this province, if you divide a school section—and perhaps the hon. member for North Victoria (Mr. Hughes) will be able to back me up in that statement—and make a separate school and public school, and you must enhance the cost of education and make it less efficient.

Mr. MONTAGUE. Is that why you are in favour of separate schools?

Mr. McCARTHY. When the hon. gentleman asks me something sensible, I will answer him. In 1871, the total population of Manitoba was 12,000, of whom about 10,000 were half-breeds—5,000 French and 5,000 Scotch half-breeds—and the other 2,000 were the pioneers who had gone in there to gain such advantages as early settlers may look for. In 1881, when the first census was taken, the population had increased to nearly 66,000, of who 12,000 were Catholics. In 1885 the population was 108,000, the Catholics being 14,000, or 13 per cent. They were over 50 per cent in 1877, they were 18 per cent in 1881, 13 per cent in 1885, and in 1891, at the last census, there were 20,000 Roman Catholics out of a population of 152,000, making the same proportion as before—13 per cent. The only separation of half-breeds from the Quebec French was made in 1885, when the number of half-breeds was shown to be 4,369. I see it now stated that the half-breeds are practically extinct. I do not give that on any authority, and I do not know that it is correct. Compare the figures I have given with those of the other provinces, where we get on fairly well without the separate schools. In British Columbia the Roman Catholics are 21 per cent of the population. They have no separate schools. In New Brunswick, about which we had so much trouble in the times gone by, there are no separate schools. There are little infractions of the law permitted, I am told, and they enable the people to get on without difficulty

Some hon. MEMBERS. Oh, oh.

Mr. McCARTHY. Yes; I have heard that there are little infractions of the law; but I do not know. If you will trust the local legislatures and not mandate them and not command them, you will find the people settle down very well. But if you attempt to pass remedial orders, you will find your Government disintegrated and crises continuous, and perhaps have to ask another six months to arrange matters without the time being given you for that purpose. In New Brunswick, the Catholics are 36 per cent of the population; in Nova Scotia they are 27 per cent; and in Prince Edward Island they are 43 per cent. And Prince Edward Island fought hard, as we remember, when the present hon. member for Queen's (Mr. Davies) was Premier of the local administration, for the right to manage the schools, and against the principle of denominational or church schools. Looking at these figures, one is at a loss to understand how it is that this 13 per cent of the population of this province of Manitoba—who are by no means unanimous—must have separate schools or this confederation is to be torn asunder, the Dominion is to be shaken to its centre. Unless these 20,000 Roman Catholics are to have separate schools managed by themselves under their ecclesiastical authorities, the life of this Dominion of Canada is not worth forty-eight hours' purchase. That is the story we are told. It seems incredible; it seems strange to imagine that we are standing upon so insecure a foundation. Some of these reasons—I will not say all—were presented to the Privy Council. All of them would have been heard if the Privy Council had granted reasonable delay. Many of them, no doubt, the Minister representing Manitoba has urged upon his colleagues. And against these reasons not one argument was urged on behalf of the Roman Catholic minority who claimed the re-establishment of Roman Catholic separate schools. But the Roman Catholics are not unanimous in that claim. A gentleman appeared before the Council who came all the way from Winnipeg to speak on behalf of himself and other Roman Catholics who differed from those who wanted separate schools. He said, in substance, that, having to travel through the province in the course of his occupation, he had ascertained that these schools were most inefficient, that there was not a master, except in Winnipeg possibly, that understood a word of the English language; that he became convinced years and years ago that the separate school system was not giving the Roman Catholic children of the province the chances they were entitled to, and for his part he was in favour of the public school system; that

his daughter, although a perfectly good Catholic, was a teacher in one of the public schools, and he himself was one of the school trustees in the city of Winnipeg.

Sir CHARLES HIBBERT TUPPER. He was condemned by a resolution of a public meeting, a Catholic meeting.

Mr. McCARTHY. Undoubtedly. I do not think there is any difficulty in the priests getting up a meeting of that kind. But my hon. friend will not contradict what I said, that he was elected as school trustee in a Catholic ward, and that his daughter was engaged as teacher in one of the schools.

Mr. MARTIN. The hon. gentleman is mistaken, it is not an exclusively Catholic ward.

Mr. McCARTHY. I understood that the ward in which Mr. O'Donoghue lived, was a Catholic ward.

Mr. MARTIN. There are a good number of Roman Catholics there, but I do not think it can be called a Catholic ward.

Mr. DEVLIN. Will the hon. gentleman say what other Roman Catholics Mr. O'Donoghue came down here to represent ?

Mr. McCARTHY. My hon. friend has asked me something that I know nothing about.

Mr. DEVLIN. Can he give one name ?

Mr. McCARTHY. I know nothing about Mr. O'Donoghue more than that he came here desiring to represent himself, he being a Roman Catholic, and said that he was asked to represent others.

Mr. LaRIVIERE. The best proof that the hon. gentleman knows nothing about him, is that he accepts his statement.

Mr. BERGERON. Does he know how to read ?

Mr. McCARTHY. I have just stated what took place, and I leave hon. gentlemen to draw their own conclusions. Certainly, he did not come down here, and run the risk of the odium that he has had to undergo, without having a good deal of moral courage, at all events, and, perhaps, more than is possessed by those who conveniently assail him behind his back.

Mr. DEVLIN. I do not wish the hon. gentleman to imagine for a moment that I was assailing him.

Mr. McCARTHY. I was not alluding to the hon. gentleman, I was alluding to the hon. member for Provencher (Mr. LaRivière). Now, I have reached this conclusion, and I ask the House to follow me, that, under the circumstances, this remedial order ought not to have been made. I have endeavour to give my reasons why that order should not have been made. I think I have satisfied those hon. gentlemen open to conviction, that certainly there was no compulsion on the part of the executive, and that it was a matter wholly within their political discretion, and when I use the word "political" I do not use it in the low sense in which the word politics may be used, I use it in the highest sense, in the light in which it was before the executive. What was before the executive was this : In the interest of this province, whose educational system they were asked to interfere with, ought they to act ? The province is clothed with authority in this matter, and has thought it wise to establish this national system of schools ; ought the executive, who has the power, to interfere with the province ? I submit that such interference could only be based upon the establishment of the fact that the system was incompatible with the object the province wished to attain, namely, the educational advancement of its people. But it will be said, no doubt, that the gross injustice of this system calls for relief, that justice to the minority, of which we hear so much, required the interference of this parliamentary body. Now, I want to know in what that injustice consisted ? It consisted in the fact that certainly they had a better system of education, so far as secular education goes, than they had before. It will not be denied that the former system was inefficient, that in a sparse Roman Catholic population it must always be inefficient—I am speaking within reasonable limits ; and that so far as education goes, all the people who availed themselves of the public school system, were advantaged by the change. Now, I do not think that will be questioned. But it is said, it was stated across the Chamber, and I may, perhaps, refer to it, that it was robbery—and I was called the accomplice of robbers—I am not sure but that I was called a robber myself—because this system enabled the majority to tax the minority for the support of the public schools. Now, let us consider, for a moment, what right has the state to tax for educational purposes at all. It is quite true, as has been argued, that education belongs to the parent, and when the state intervenes it is because the parent has failed to perform his duty, and because the interests of the state, and of a democracy such as this, all depend upon the people being educated. That is the sole ground upon which there is any interference by the state in the subject of education ; and the state does not do its duty, does not discharge its obligations to the citizens whose money it takes, unless it sees that value is given for the money, and that the child is being educated. Then, what great injury is done ? What is the system that prevails there ? Why, it is urged that they are Protestant schools, that Roman Catholic children are compelled to attend Protestant schools, or, at all events, to pay towards their maintenance ; and

that they do not, and cannot avail themselves of the benefits flowing from that system. They are not Protestant schools. That question was conclusively decided in Barrett's case. I am not now speaking of the administration of the schools. We are dealing with an Act of Parliament, we are dealing with the School Act of 1890, against which the appeal was taken; and in the very first clause of that Act is the declaration that the schools shall be non-sectarian. If the schools are not administered as non-sectarian, redress can be had by the laws of the land, and by appeal to the courts of the province. If they had been Protestant schools by act of the legislature, the judgment in Barrett's case would have been reversed. It could not but have been a deprivation of privileges to compel Roman Catholics to contribute to schools which are Protestant, and which their conscience could not permit them to attend.

Mr. MILLS (Bothwell). There were other schools open to them, the voluntary schools that they had before.

Mr. McCARTHY Yes; I am saying that according to the decision in Barrett's case, they were not Protestant schools. My hon. friend shakes his head. I can give him the passage if he wants it. The point was distinctly argued, I argued it myself, and it was decided that they were not Protestant schools.

Mr. BERGERON. It seems they are now.

Mr. McCARTHY. If they are, they are not in accordance with the Act of the legislature, and it was the Act that the appeal asked to be set aside. If an Act of Parliament is not obeyed, the hon. gentleman knows that redress can be had in the courts, because the Act says that the schools shall be non-sectarian. And it says that no religion shall be taught in the school—and in that respect they would almost satisfy the hon. member for North Victoria (Mr. Hughes)—unless by order of the trustees; and that whatever religious exercises are to be allowed, they must be such as are prescribed by the advisory board.

Mr. AMYOT. Does the hon. gentleman understand that under the present law the schools are neutral, and that no religion whatever can be taught in them?

Mr. McCARTHY. I have said that the schools are non-sectarian. I have said that, according to the Act of the legislature, no religious exercises are to be permitted in any school unless the trustees allow it.

Mr. LaRIVIERE. I beg the hon. gentleman's pardon. Allow me to read the clause.

Mr. McCARTHY. I have said that if religious exercises are allowed the religious exercises are those prescribed by the advisory board.

Mr. LaRIVIERE. Clause 7 of the Act reads as follows:—

> Religious exercises shall be held in the public school entirely at the option of the school trustees of the district, and upon receiving written authority from the trustees it shall be the duty of the teacher to hold such religious exercises.

Mr. McCARTHY. That is exactly what I said; I am glad the hon. gentleman read the passage. Now, what are the religious exercises? The religious exercises are here.

Mr. BERGERON. Those are non-sectarian schools.

Mr. McCARTHY. That is what the hon. gentleman does not seem to understand. If they are not non-sectarian the hon. gentleman's coadjutor can appeal to the court, because the Act says they must be non-sectarian. If the hon. gentleman will read an earlier section, section 2, I think, it is, he will find that the schools must be non-sectarian. So if the hon. gentleman finds the schools are not non-sectarian, then the schools are not conducted according to the Act of Parliament, and therefore an appeal will lie to the courts.

Sir CHARLES HIBBERT TUPPER. These are the words "except as above provided." I will read the clause as made in a quotation given by Mr. Ewart in his argument. He is quoting from the Act and he reads the first part:

> The public school shall be entirely non-sectarian, and no religious exercises shall be allowed therein, except as above provided.

Mr. McCARTHY. The hon. gentleman has not read from the Act of Parliament.

Sir CHARLES HIBBERT TUPPER. I am only reading a quotation from Mr. Ewart's argument.

Mr. McCARTHY. The hon. Minister will find that it is the first or second section of the Act.

Mr. WELDON. It is section 8, which says that public schools shall be entirely non-sectarian, and that no religious exercises shall be conducted, except as above provided.

Mr. McCARTHY. If "as above provided" is giving the advisory board power to regulate those exercises, it also provides that a school shall be non-sectarian. If the administration of the schools as carried on by the advisory board is inconsistent with non-sectarianism, of course the Act is misconstrued, and condemnation should lie against the administration of the Act and not against the Act itself. Let me point out what the religious exercises consist of, and what the objections are to them. They consist of a short form of prayer and the reading in either version of the Bible, either the Douay version or the version used by Protestants, of certain chapters. Every-

thing that Roman Catholic ecclesiastics could object to is eliminated. There is no possibility of any portion of scripture being read in the public school that is not such as in Ontario would form a part of what we know there as the Ross Bible, which was approved and corrected by the late Archbishop of the province. A simple prayer is allowed, a copy of which I am sorry I have not here to read, as it might do this House a great deal of good, although I do not want to interfere with the privilege of Mr. Speaker in that respect.

Mr. FORBES. Get the hon. member for Haldimand to give it.

Mr. McCARTHY. No doubt he would do it better than I, he having more experience. To these simple religious exercises no hon. gentleman who belongs to the Christian religion will object. We are Christians in common, and perhaps we are very common Christians.

Sir CHARLES HIBBERT TUPPER. Speak for yourself.

Mr. McCARTHY. But so far as that goes there is no question about this, there is not an hon. gentleman who would object to the simple prayer the children are taught to repeat at the closing exercises of the day. The whole objection made by Mr. Ewart to the curriculum in force under the authority of this advisory board, which provides for eight grades altogether, was as regards the history of religious movements, Henry VIII. and Mary. The only objection that the Roman Catholic minority make to the book—because, of course, we all understand that it is not a question merely of teaching, but the Roman Catholics want the children to be taught history from the Roman Catholic standpoint and not from the Protestant standpoint—was as I have indicated. No doubt the member for Beauharnois (Mr. Bergeron) would like history taught from the French instead of the English standpoint.

Mr. BERGERON. It depends.

Mr. McCARTHY. The only objection made by the Roman Catholic minority was as regards the subject of "Religious Movements, Henry VIII. and Mary." The answer is, that if this history is an untrue representation of the events of that period it should not be in that curriculum. But when complaints were made of that book or of the other history, that of Buckley, the advisory board inquired into the complaint and found that this very history was in use at the convent at Winnipeg, and therefore the board did not think it should be expunged from the curriculum of the public schools. I happen to know that this is the history which is used in the separate schools in the North-west Territories with the sanction and under the bidding of the ecclesiastical authorities who are in connection with the school board there. So we have got a system of public schools; we have a declaration that they are to be non-sectarian; we have religious exercises on which all agree—they may not go far enough, but so far as they go no person dissents from them—and we have the permission to read certain chapters in the Scriptures taken from the version in which we all coincide. Is that a great hardship? What is to be done in a new country with 150,000 or 200,000 people scattered over a vast territory? Are the Anglicans to have separate schools, because the Lord Bishop asked for them? Are the Icelanders to have them, for they want them?

Mr. DALY. The Icelanders never asked for such schools.

Mr. McCARTHY. They do not want to be taught at all.

Mr. DALY. They are very intelligent people.

Mr. McCARTHY. If they do ask for them, will they be denied them?

Mr. DALY. They never asked for them.

Mr. McCARTHY. The hon. gentleman cannot deny that the Anglican Church and the Lord Bishop want them. We want to have schools for all, and therefore if a new country like that, and in every province of this Dominion it ought to be the same, there should be public schools which all can attend, in which everything offensive to any denomination will be eliminated, a school system made free and equal for all classes is what consorts with the principals of our constitution and the underlying doctrine which pertains to our social state. Some hon. gentleman will think this a monstrous state of things, that these few half-breeds or French or Catholics, call them altogether 20,000 people if you like, should be compelled to go to those schools. But a higher authority than hon gentlemen have pronounced on this subject. Monsignor Satolli, who has been sent to this country for the purpose of superintending Roman Catholic affairs for the continent.

Mr. AMYOT. No, Sir, not to this country.

Mr. McCARTHY. To this continent I should have said.

Mr. AMYOT. We are in the continent here.

Mr. McCARTHY. He is sent to this continent.

Mr. AMYOT. He is not sent to the continent; he is not sent to Canada.

Mr. McCARTHY. Well, I stand corrected. He is sent to the smaller half of the continent. Will that do the hon. gentleman (Mr. Amyot)? He has been sent here to superintend Catholic affairs, and when he came here he found a dispute raging in the

church as to whether Catholic children should or should not attend public schools? And what was his decision, and what was his conclusion. Why, Sir, his decision and his conclusion was, and it is here to be read and seen; he was representing His Holiness of Rome, and I suppose it applies to the Catholic church of the continent, to French as well as to English, and to all classes of the community. He commends in very clear and definite terms, that the children are to attend the best schools, even if they have the choice of going to separate schools, and that where there is no choice they are to attend the public schools, and they are not to be, nor are their parents to be denied the rights of the church because they do attend public schools. The Archbishop says:

> When there is no Catholic school at all, or when the one that is available is little fitted for giving the children an education in keeping with their condition, then the public schools may be attended with a safe conscience, the danger of perversion being rendered remote by opportune remedial——

That is where the term remedial order comes from, I suppose.

> —by opportune remedial and precautionary measures; a matter which is to be left to the conscience of the ordinaries. We strictly forbid any one——

This applies to my hon. friend from Bellechasse (Mr. Amyot) I suppose:

> —whether bishop or priest,——

Mr. AMYOT. Oh, no, that does not apply to me.

Mr. McCARTHY:

> —We strictly forbid any one, whether bishop or priest, and this is the express prohibition of the Sovereign Pontiff, through the Sacred Congregation either by act or by threat to exclude from the sacraments, as unworthy, parents (who choose to send their children to the public schools). As regards the children themselves, this enactment applies with still greater force.
>
> To the Catholic Church belongs the duty and the divine right of teaching all nations to believe the truth of the Gospel, and to observe whatsoever Christ commanded (Matthew, xxvii., 19); in her likewise is vested the divine right of instructing the young, in so far as theirs is the Kingdom of Heaven (Mark, x., 14); that is to say, she holds for herself the right of teaching the truths of faith and the law of morals, in order to bring up youth in the habits of a Christian life. Hence, absolutely and universally speaking, there is no repugnance in their learning the first elements and the higher branches of the arts and the natural sciences in public schools controlled by the state, whose office is to provide maintain and protect everything by which its citizens are formed to moral goodness, while they live peaceably together with a sufficiency of temporal goods, under laws promulgated by civil authority, &c., &c.

Well, Sir, we have a little experience of that in the province from which I come. We have separate schools there, but my hon. friend (Mr. Amyot) will hardly believe it, that more than half of the Roman Catholic children attend public schools. More than half of them, I say, even though they have the option of separate schools, and the privilege of separate schools. Why, Sir, in the county which I have the honour to come from, I made a calculation the other day, and I find there are 2,300 Roman Catholic children of school age, and the school accommodation for them in the separate schools is less than 300, and the other 2,000 are attending the public schools.

Mr. MASSON. Or not any.

Mr. McCARTHY. No; the majority of them are attending the public schools. That is the case in places where they are sufficiently numerous to establish a school, if it was advisable to do so. In one township I know, where there is a church big enough to hold a thousand people, and where there are two priests (it has been an established parish as long as I can remember) there are no separate schools.

Mr. AMYOT. Will the hon. gentleman allow me to ask if they are French schools?

Mr. McCARTHY. I hope not. They ought not to be. We do not want French schools.

Mr. BERGERON. That is very frank, anyhow.

Mr. McCARTHY. Very frank. I have never disguised that in the least. Now, Sir, that being the condition of things, what great hardship is it in that portion of the North-west that there should not be separate schools, and that there should only be the public school system of schools. But it may be said, that this iniquity was perpetrated by the Liberal party, and to many hon. gentlemen here, perhaps the fact that it was a Liberal enactment is sufficient, of itself to condemn it. They think that prima facie it must be wrong, if the Liberal party introduced the national school system. I will comfort these hon. gentlemen by reading to them the declaration of the Conservative party of Manitoba. The Act was passed in 1890. It was passed by a Parliament which was two or three years elected. It was passed by a body which had received no direct mandate from the people, and the argument, and the strong argument used was, that when that particular legislature had been returned, the change in the school system had not been prominently brought to the attention of the electors. But, Sir, another election took place, and at that election, both political parties declared themselves upon the school question, and the Conservatives as well as the Liberals placed themselves upon record on that subject, and they declared in the clearest possible way that they were in favour of a system of public schools, and they went one better than the Liberal party, and resolved:

1. That they are in favour of one uniform system of public schools for the province ;

2. That they are ready and willing to loyally carry out the present School Act, should it be held by the Judicial Committee of the Privy Council of Great Britain to be within the legislative power of the province ;

3. That, in the event of such School Act being held by the Judicial Committtee of the Privy Council of Great Britain to be beyond the legislative power of the province ; then, they will endeavour to secure such amendments to the British North America Act and the "Manitoba Act" as will place educational matters wholly within the legislative power of the province of Manitoba, without appeal to the Governor General in Council or the Parliament of Canada.

So that both Liberals and Conservatives at the elections which followed the passing of the Act united in declaring for a public school system. In the following session, when a Bill was brought in to repeal that Act, out of forty members, thirty-nine being present, all but four, if my memory serves me right, voted in favour of the School Act, and against this repeal. We, therefore, have the deliberate and practically unanimous view pronounced by both parties in Manitoba that the school law should not be interfered with. And now, Sir, I come down to the point at which we have arrived ; and in doing so I shall have to pass hastily over some matters which ought perhaps to have been mentioned. For my part, I frankly accept the declaration made by the hon. gentleman on the treasury benches. I cannot conceive that there is one hon. gentleman among their own followers who will pay them so poor a compliment as to suppose that in the statements they have made to this House there is any reservation, mental or otherwise. I think that if I can go so far as to take them at their word, their own followers are bound to do so without question and without cavil. They have had a struggle lasting over several days. It has been an internecine war. It was doubtful which would gain the upper hand. We have not a record of the pros and cons ; we have merely the results.

Mr. FOSTER. The member for L'Islet will tell you all.

Mr. TARTE. "La Minerve" wrote it ; I did not. My hands are clean as to that.

Mr. McCARTHY. The hon. gentleman has advantages that I have not. All I know is the result. I know that from day to day we asked for the position of the Government, and from day to day we were put off ; and at last, when their position was announced, it led to a terrible upheaval. That breaking up may have been real or it may have been fictitious. One of the hon. gentlemen may have gone out to watch that more headstrong and giddy creature outside who required control. If so, he performed his functions admirably ; he kept his hand upon the pulse of the patient, and at the proper moment, when the reaction set in, he was brought back in docility to the fold. That thick witted gentleman, I think, must always remember the part that was played upon him, if that is not a misconception of the situation. But undoubtedly, one hon. gentleman did resign ; he has actually retired, given up his portfolio, shown his good faith ; and several hon. gentlemen in this House have indicated that they have lost confidence in the promises of the Administration—and I do not wonder at it. For my part, standing in their shoes, and looking at the different declarations that were made to them, looking at the passage of the remedial order—which certainly bound the Government in good faith to go as far as was necessary—looking at all that, I do not wonder that these hon. gentlemen began to think that they were being trifled with ; and therefore their rebellion is not very extraordinary. But I think we are bound to accept that there was a deliberate resolve upon the part of the Government to threaten Manitoba—because that was what it comes to—that if before the first Thursday of January she did not undo what she had done last June, this Government would press with all its power and force, and with all the aid of the party behind it, the passage of a remedial Bill. There was perhaps room in the statements that were made for an escape from this result—so it seems to have been thought. I should not have thought so. I should have thought that every gentleman, whether in this Administration or whether in the one that is to succeed it, was bound in honour to stand by the pledge, given in pursuance of the compromise agreed to in the Cabinet. I should have thought, when this Government obtained authority from His Excellency to announce to this Parliament that with his consent this House is not to be dissolved, but is to be summoned again before a certain day, that no self-respecting man would ever go back of that pledge or promise. But, Sir, it seems that my hon. friend from Jacques-Cartier (Mr. Girouard) doubted ; although, so far as he was interviewed, he appeared to be satisfied. But he evidently was considered a proper medium for clinching the matter. The difficulty felt seems to have been this : You may negotiate with Manitoba, and you may get some kind of a promise from Manitoba—possibly that when the legislature meets they will reconsider the situation—and you may come down in January next and say, the negotiations is going on very satisfactorily indeed, and every hope is held out that a satisfactory solution of this unfortunate difficulty will be arrived at, and it would be unwise for us to interfere with the province under these circumstances. But my hon. friend shut the door upon that possibility by asking the question which I will read. Not that he is likely ever to forget it, because I think it formed the turning

point of his allegiance. The question which the hon. gentleman asked, and which the hon. Minister answered in his place in Parliament was :

Will the negotiations to be entered into with Manitoba, relating to the schools, unless they bring an acceptable arrangement on the lines of the remedial order and the terms of the judgment of the Privy Council of the 29th January, 1895, preclude or postpone the introduction of the remedial legislation announced in your statement of Monday last ?

Mr. FOSTER. My answer simply is, they will not.

Now, Sir, that certainly defines what a satisfactory settlement of the question would be. The doubt arose from these words in the statement of the Government :

A communication will be sent immediately to the Manitoba Government on the subject, with a view to ascertaining whether that Government is disposed to make a settlement of the question which will be reasonably satisfactory to the minority of that province, without making it necessary to call into requisition the powers of the Dominion Parliament.

Now, the question that troubled my hon. friend was, what is "reasonably satisfactory ?" It may not be very satisfactory to some of the Government's supporters in this House. What is meant by that ? So he asks the question, and he is told that nothing will be satisfactory that is not on the lines of the remedial order and the judgment of the Privy Council. Well, Sir, if that be so, we know exactly where we stand. The hon. gentleman got it clearly enough that nothing would be deemed satisfactory "unless they bring an acceptable arrangement on the lines of the remedial order and the terms of the judgment of the Privy Council of the 29th of January, 1895." Why, Sir, if Manitoba does not do that, we are to have the Bill next January. And what Bill are we to have ? We are to have a Bill, also, on the lines of the remedial order and the judgment of the Privy Council. That is what we are to have. The difference in phraseology is not intended to imply a difference in meaning :

The Government shall introduce and press to a conclusion such legislation as will afford an adequate measure of relief to the said minority, based upon the lines of the judgment of the Privy Council and the remedial order of the 21st March, 1895.

Now, if no arrangement will be satisfactory which is not based on the lines of the remedial order, no Bill can be adequate which is not based on the same lines. Surely that must be so. You are not going to insist that Manitoba shall do more than you are going to do yourself. You have stated what Manitoba must do, and, therefore, we have got to know what you propose that we shall do.

An hon. MEMBER. Hear, hear.

Mr. McCARTHY. An hon. gentleman says, "Hear, hear." I do not know whether he approves of or disagrees from my statement, but I think it is a reasonable conclusion. I do not know, in the intricacies of this wonderful question, whether the English language fails in exactness to convey its meaning.

Mr. FOSTER. You should try French.

Mr. McCARTHY. French is the language of diplomacy, and I suppose in order to be perfectly exact and precise, the declaration of the Government ought to be in French. We have got it here, and I ask what does it mean. Perhaps we will have some explanation before this debate closes. What does a Bill, based on the lines of the judgment of the Privy Council and the remedial order, mean ? Surely we are entitled to know. Here is the remedial order. What does it say ? It says this :

That the said appeal be, and the same is, hereby allowed, in so far it relates to rights acquired by the said Roman Catholic minority under legislation of the province of Manitoba, passed subsequent to the union of that province with the Dominion of Canada, and His Excellency the Governor General in Council was pleased to adjudge and declare, and it is hereby adjudged and declared, that, by the two Acts passed by the legislature of the province of Manitoba, on the 1st day of May, 1890, intituled, respectively, "An Act respecting the Department of Education" and "An Act respecting Public Schools," the rights and privileges of the Roman Catholic minority of the said province, in relation to education, prior to the 1st day of May, 1890, has been affected by depriving the Roman Catholic minority of the following rights and privileges, which, previous to and until the 1st day of May, 1890, such minority had, viz. :—

Now, what were they deprived of ? They were deprived of, in the words of the judgment :

Of the right to build, maintain, equip, manage, conduct and support Roman Catholic schools in the manner provided for by the said statutes which were repealed by the two Acts of 1890 aforesaid.

They were deprived of the right to share proportionately in any grant made out of the public funds for the purposes of education.

They were deprived of the right of exception of such Roman Catholics as contribute to Roman Catholic schools, from all payments or contribution to the support of any other schools.

Then, it was ordered that these rights should be restored. Does the Government mean, or does the Government not mean that these rights are to be restored ? I think my hon. friends from Quebec are entitled to know that. I think the hon. member for Provencher is entitled to know that. Nothing less than that will satisfy the hon. gentleman.

Mr. LaRIVIERE. No, nothing less.

Mr. McCARTHY. Is any thing else intended ? Is anything else suggested ? And if so, what ? Because Manitoba was com-

manded to do this, and Manitoba has declined, Manitoba is again to be commanded to do this, if I understand it, and Manitoba, of course, may reasonably be supposed to decline. Then, we are face to face with a remedial Bill. I therefore think it is not inappropriate that I should call the attention of the House to this policy on the part of the Government. Am I wrong in saying that this Government exists solely for the purpose of implementing the remedial order? Am I wrong in saying that we are to have a sixth session of this Parliament solely for the purpose of carrying a remedial Bill? Am I wrong in supposing that if it were not for this, there would have been a dissolution before January next? Am I wrong, accepting, as I do, in all sincerity and honesty, the good faith of the Government, in supposing that that is the whole object and end of the January session, namely, to carry through a remedial Bill, without having, as far as we know, any other duty to perform except to vote the supplies? Am I wrong in saying that now is the time to challenge that policy and express our opinion about it? Sir, hon. gentlemen are satisfied to swallow the policy because it grants a temporary relief. They are willing, in order that they may escape from their present embarrassment, to do what? To vote approval, possibly of this policy. I shall put it as plain as I can in the resolution in your hands; I shall put it as clear and as plain as language can make it. I do not desire to have my hon. friend accuse me of any catch resolution. I think that those who differ from the Government have the right to challenge their position. I think that those who are prepared to say that, under no circumstances, will they pass a remedial Bill in the lines of the judgment of the Privy Council and the remedial order, ought to say so now. It is not fair by the Government, it is not fair by the country, it is not fair by anybody, to go on for six, or more, months longer, simply to come here next session and vote against the remedial Bill. It is not fair for the hon. gentleman, the Controller of Customs, whom I do not see, and who ought to be with me on this vote, to go out of this House and not vote on this question, or to stay in the Government and vote down this resolution, for between this and next January I trust that the country will understand this question, I trust that every school-house on every concession line will be seized of it and that no man will be called on to cast his ballot without a perfect understanding of the position he takes.

Mr. HUGHES. He is following distinguished English precedent.

Mr. McCARTHY. Is the hon. gentleman authorized in stating that?

Mr. HUGHES. I speak for no one but myself.

Mr. McCARTHY. I thought the hon. gentleman was speaking on behalf of the Controller of Customs. If not, we must proceed in the absence of the Controller of Customs. I believe the English practice, to which the hon. gentleman appealed, is this, That a Controller of Customs, up to the time he is called on to vote, not being in the Cabinet, is not bound by the policy or acts of the Government; but, from the time that he knew this remedial order was passed, unless he was assured by his colleagues that they did not mean it, that they did not intend anything more than merely to open the legislative door, and that they did not propose to carry the remedial order into effect, I think in honour he was bound to let his colleagues know that he could not support them in it and to offer his resignation, which it was their business to accept or not, as they pleased. But from the time when they announced on the floor of the House that this is their policy and their only policy, I do not understand how any gentleman who differs from them on this great question, for it is admitted to be a great question, the greatest since confederation some say, though that may be an exaggeration—can remain quiet and, as public men, deny his advice and assistance to prevent it being enacted into law. I can understand those gentlemen who agree with the policy supporting the Government, and of course every gentleman is entitled to his own opinion. Sir, it is said that the Government have not yet exhausted all means of settlement with Manitoba, and that they are bound to do so before resorting to the extraordinary measure of passing legislation in this Chamber. I am not going to repeat what was so much better said than I could say it by the leader of the Opposition, to the effect that the time for conciliation was before and not after the Order in Council. I agree with that, but I will not trouble the House with a repetition of it. But I hold that no reasonable man can read the Order in Council and read the answer to it, and consider the position of the province of Manitoba to-day, and then rise in this House and declare that there is a possibility of Manitoba changing its course. I am bound in a parliamentary sense to believe any gentleman in this House who declares such opinions, but it is only in that sense that one is bound to accept so extraordinary a statement. Manitoba, in her answer, has declared that she cannot take the responsibility of obeying, and has pointed out many reasons why she should not obey. She has invited an investigation which the Government have officially announced they do not propose to make. And she winds up her answer with these words:

We respectfully suggest to Your Excellency in Council, that all of the above considerations call most strongly for full and careful deliberation,

and for such course of action as will avoid irritating complications.

We deem it proper, also, to call attention to the fact that it is only a few months since the latest decision upon the subject was given by the Judicial Committee of the Privy Council. Previously to that time a majority of the members of the legislative assembly of Manitoba had either expressly or impliedly given pledges to their constituents which they feel in honour bound loyally to fulfil.

Some hon. MEMBERS. Hear, hear.

Mr. McCARTHY. "Hear, hear," some hon. members say. This same legislative body is still in existence and will be in existence until January next. The same reasons of honour which prevented these gentlemen from breaking their pledges must continue to exist unless the House be dissolved for the purpose of settling this question, of which there is no suggestion.

We understand that it has been lately suggested that private funds of the Roman Catholic Church and people had been invested in school buildings and land that are now appropriated for public school purposes. No evidence of such fact has ever been laid before us, so far as we can ascertain, but we profess ourselves willing, if any such injustice can be established, to make full and fair compensation therefor.

That is the only promise or suggestion that is made. Confident in the strength of their position, they commence, by saying :

We cannot accept the responsibility of carrying into effect the terms of the remedial order.

They point out the objections in a community such as that of Manitoba of having separate and distinctive school education, they draw attention to the territorial difficulties under which they labour, owing to the sparseness of their population and the smallness of their resources. They add that when the remedial order was passed, His Excellency's advisers had not the knowledge before them of the form and working of the system, and they believed there was lacking the means of forming the correct judgment of the effect upon the province of the changes indicated ; and having professed these views, they invited inquiry—and this is the olive branch that we have heard so much about—into the allegations of which they have no evidence before them, that the property of Roman Catholics was taken away, upon the establishment of which as a fact they are ready to make restitution. Is there any reasonable man in this House who thinks that in the five and a half months left there is any possibility of a settlement of this question under which Manitoba will do differently. Are we not bound to stop this agitation ? Are we not bound to let the Government know our position ? Or have the thirty-nine stray sheep that wandered came back into the fold again? There is a policy which was expressed here, in language which I will not sully my lips or offend your ears, Mr. Speaker, by repeating. But let me translate it, Sir. It is to keep the opposite party out, no matter on what consideration. On one hand is the policy, "hands off Manitoba," and on the other the policy of the hon. member for South Leeds (Mr. Taylor). On the other hand, some of those who want a remedial Bill are satisfied with the promises they have got. But, Sir, there is not a man from the province of Quebec who would stand by the Government if the Government announced they were not going to introduce a remedial Bill, and if they did not believe or affect to believe that the Government would carry out that promise. But the Government supporters from the other provinces may probably think differently. Holding views on this question just as strong as my own that in this community no Government can ever pass a remedial Bill ; that, while it may do much by advice and conciliation and suggestion, just as we are doing with the Government of the North-west with reference to their schools, no Government could live forty-eight hours after announcing its policy of carrying out a remedial Bill. Who is asking for it, I should like to know ? What did the educational returns from Manitoba show ? Let the hon. gentlemen from the province of Quebec drop this agitation and this question will settle itself in two years. Why, Sir, out of ninety separate schools that were in existence at the time the law was passed, there are only thirty-eight now left in which the separate school system is kept up. I have here the exact number of those who have come in under the present school system. Out of 91, there are 51 that have either disbanded or have come under the public school system, and but 38 are out, and these 38 are out, remember, with all this agitation, with all this fight, with all this hope that remedial legislation may be carried ; and I venture to think that if it was not for that agitation, all these people would have come in long before, the question would have been amicably adjusted in that province, and amongst the people who are concerned in it, and it would not have become a bone of contention in this Parliament. I have to apologize to the House for the length of time that I have been obliged to occupy in endeavouring to make plain the view which I hold upon this question, and I conclude by moving this amendment :

That all the words after the word "That" be left out, and the following inserted instead thereof :—" this House has heard with regret the statements recently made defining the policy of the Government respecting the Manitoba school question, and is unwilling by silence to allow it to be assumed that, at the session to be held in January next, any more than at the present session, it is prepared to pass a law to restore the system of separate schools in Manitoba on the lines of the remedial order of the 21st March, 1895.